

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**7 CIVIL APPLICATION NO.3639 OF 2021
IN
SECOND APPEAL NO.453 OF 2013**

MANJOOR AHEMAD MOHAMMAD UMAR MORVE AND OTHERS

VERSUS

JAMIL AHEMAD LADLESAHEB UMAR MORVE DIED LRS NIYAMATBEE

JAMIL AND OTHERS

...

Mr. V.D. Salunke, Advocate for applicants

Mr. A.T. Kanawade, Advocate for respondent

Nos.1A to 1G, 2A to 2H and 3 to 6

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CORAM : SMT. VIBHA KANKANWADI, J.

ORDER : 06th SEPTEMBER, 2021.

PER COURT :

1 Present application has been filed for bringing the legal representatives of respondent No.6 on record. Respondent No.6 expired on 06.12.2019 at Hyderabad. Present application has been filed within limitation. Present appellants are the original plaintiffs, who had filed suit for partition, possession and mesne profit. The suit was dismissed, the appeal preferred was also dismissed, hence, the Second Appeal. Under such

circumstance, the right to sue survives and, therefore, it is necessary to bring the legal representatives of respondent No.6 on record.

2 Application stands allowed and disposed of.

3 The legal representatives of respondent No.6 be brought on record, within a period of one week.

4 After the necessary amendment is carried out, issue notice to the added respondents (legal representatives of respondent No.6), to be made returnable six weeks thereafter.

(Smt. Vibha Kankanwadi, J.)

agd